



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, FEBRUARY 02, 2010

MINUTES

Mayor	Maher Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistants to the City Manager, Ben Brezina, John Eaglen, and Daniel Ford; Director of Development Services, John Lettelleir; Development Services Dev Coordinator, Scott Ingalls; Director of Engineering Services, Paul Knippel; Director of Library Services, Shelley Holley; Director of Parks & Recreation, Rick Wieland; CVB Tourism & Sales Manager, Jennifer Kimble; City Attorney Richard Abernathy and City Secretary, Jenny Page.

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice from City Attorney regarding and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
 - ii. Receive legal advice regarding proposed Contribution Agreement Between the Cities of Allen, Frisco, and Plano Approving an Agreement for the Construction and Operation of a Performing and Cultural Arts Project to be Managed and Operated by the Arts of Collin County Commission , Inc.
 - iii. Receive legal advice regarding possible claims by HKS over the Frisco Athletic Center.
 - iv. Receive legal advice regarding possible Starwood reimbursement agreement.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits and North of 121, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

Bob Allen moved to recess into Closed Session at 5:36. p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Pat Fallon moved to reconvene into Regular Session at 6:49 p.m. Bob Allen seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session.

INVOCATION

Pastor Larry Burden from Kingdom Life Christian Center led the invocation.

PLEDGE OF ALLEGIANCE

Frisco Boy Scout Troop 416 led the audience in the United States and the Texas Pledge of Allegiance.

PROCLAMATIONS

4. Presentation by the Town of Prosper to the City of Frisco in Recognition of Emergency Dispatch and Radio System Services Rendered.

Acting Mayor Ray Smith and other City Officials with the Town of Prosper presented a proclamation to the City of Frisco in appreciation of their cooperation in emergency dispatch and radio systems services.

5. Frisco Family Services 15th Anniversary.

Mayor Maso presented a proclamation to the Frisco Family Services in honor of 15 years of service and proclaimed February 2, 2010 as Frisco Family Services Day.

6. Certified Tourism Ambassador Recognition.

Mayor Maso and Jennifer Kimble with the Convention and Visitors Bureau, presented certificates to the new class of Certified Tourism Ambassadors.

REPORTS

7. Library report on programming and usage activities.

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

8. Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development.

Parks & Recreation Director, Rick Wieland, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

9. Engineering Services Monthly Report on Roads, Traffic, Water, and, Sewer Projects.

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Mayor Maso moved to Consent Agenda.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

No one wished to speak and Mayor Maso moved back to Item 31.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

City Secretary Jenny Page asked that Item 11A be pulled for clarification.

Bart Crowder moved to pull Item 11A from the Consent Agenda. Jeff Cheney seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Scott Johnson moved to approve Items 10 and 12 - 27 of the Consent Agenda. Bart Crowder seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Ms. Page explained that a last minute clarification on Section 1 of the Resolution calling a Joint General Election had been amended to add at the end of the sentence "and said Election shall be administered by the Collin County Elections Administrator".

Bart Crowder moved to approve Item 11A of the Consent Agenda with the amendment as noted. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

10. Consider and act upon approval of the Minutes from the January 19, 2010 Regular City Council Meeting. (CSO/JP)
11. Consider and act upon adoption of a Resolution calling the Joint General Election for May 8, 2010, and all related documents. (CSO/JP)
 - A. Consider and act upon a Resolution of the City Council of the City of Frisco, Collin County, Texas, ordering a Joint General Election to be held jointly with the Frisco Independent School District and Administered by the Collin County Elections Administrator on May 08, 2010, for the purpose of electing two (2) members of the Frisco City Council to Places 2 and 4; Designating locations of Polling Places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election. (CSO/JP) 10-02-09R
 - B. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas hereby authorizing a Joint Election with Lewisville Independent School District; and providing for an effective date hereof. (CSO/JP) 10-02-10R
 - C. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas hereby authorizing the City Manager to the City of Frisco, Texas to execute a Joint General Election Agreement by and between the City of Frisco and Lewisville Independent School District; and providing for an effective date hereof. (CSO/JP) 10-02-11R and 10-02-12R
12. Consider and act upon authorization for the City Manager to execute Change Order Number One to the AIA Standard Form Agreement, document A101-2007, for Construction Services by and between the City of Frisco and McCarthy Building Services, Inc., for Construction Services for the Frisco Municipal Center Parking Garage. (Engineering/BB)
13. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Mario Sinacola & Sons Excavating, Inc., for the construction of Teel Parkway (Eldorado Pkwy to Panther Creek Pkwy). (Engineering/JB)
14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco

and RLK Engineering, Inc. to perform Design, Bid Package Preparation, and Construction Administration Services for Independence Parkway Improvements (Main Street to Northern City Limits) (Engineering/JB). 10-02-13R

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a First Amendment to the Development Agreement by and between the City of Frisco and Vista Franchise Holdings, LLC for the construction of Offsite Sanitary Sewer Improvements extending from the Rowlett Creek Metering Station to Independence Parkway (Engineering Services / JE) 10-02-14R
16. Consider and act upon approval of purchase orders to Structural and Steel for the purchase of traffic signal poles and mast arms. (Engineering/TJ)
17. Consider and act upon approval of a purchase order to Professional Turf Products for the purchase of one—(1) Toro flex wing mower. (Parks/TJ)
18. Consider and Act on Two Resolutions approving the terms and conditions of two grant applications to the North Central Texas Council of Governments and Homeland Security Urban Areas Security Initiative and Regional Emergency Preparedness Advisory Committee (UASI AND REPAC) for funding the purchase of a Mobile Emergency Rescue Vehicle and a Mobile Interoperable Communication System Portable Tower and authorizing the submission of the grant applications by the City Manager or his designee. (Police/GW) 10-02-15R; 10-02-16R
19. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding under the Violence Against Women Grant Program; this grant proposal is a continuation (third year) for a dedicated detective to investigate domestic violence. The funding period for this grant is from September 1, 2010 – August 31, 2011; and authorizing the submission of the grant application by the City Manager or his designee. (Police/GW) 10-02-17R
20. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding under the Violence Against Women Grant Program and authorizing the submission of the grant application by the City Manager or his designee. (Police/GW) 10-02-18R
21. Consider and act upon a Resolution approving the submission of an Urban Area Security Initiative (UASI) Grant application for \$16,614.70 to the Department of Homeland Security. (CMO/SB) 10-02-19R
22. Consider and act upon amending award of RFP #0805-054 Occupational Health and Safety Services and RFQ 0805-055 Occupational Medical Services to E-

Care Management, LP. (HR/TJ)

23. City Council consider and approve Ordinance amending Ordinance 10-01-02 to include the revised Sick Leave policy. (HR/LS) 10-02-07
24. Consider and act upon award of bid to UtiliTex Construction, L.L.P., and act upon a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for the SH 121 Sanitary Sewer (from Custer Road to Independence Parkway), Bid No. 1010 003. (Engineering/AH) 10-02-20R
25. Consider and act upon a Resolution authorizing the City Manager to execute Amendment One to the Impact Fee and Development Agreement dated 28th day of March, 2008 by and between the City of Frisco, Texas, a Texas municipal corporation ("Frisco"), and Eldorado Crossing, LLC, a Texas limited liability company ("Developer"). (CMO/RP) 10-02-21R
26. Consider and act upon a Resolution authorizing the City Manager to execute the Fifth Amendment to Lease Agreement with Dallas Stars and Hicks Sports Group. (CMO/RP) 10-02-22R
27. Consider and act upon a Resolution authorizing the City Manager to execute Change Order Numbers 008 and 009 with Balfour Beatty Construction. (CMO/RP) 10-02-23R

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bart Crowder moved to approve the Legislative Agenda. Jeff Cheney seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

28. Consider and act upon adoption of an Ordinance rezoning 120.9± acres on the southeast corner of US Hwy. 380 and the Dallas North Tollway from Highway and Industrial to Planned Development-Highway and Mixed-Use. Neighborhood 53. Z07-0025. (Development Services/MW) 10-02-08

29. Consider and act upon an Amendment to Ordinance No. 08-09-79 establishing a Truck Route to regulate the activities of commercial trucks in the City of Frisco (Engineering/BM). 10-02-09

REGULAR AGENDA

30. Discuss and give staff direction in the calling of a public hearing to amend Article II, Section 3.04 of the Comprehensive Zoning Ordinance pertaining to alcoholic beverage variances. (Development Services/SI)

John Lettelleir presented information and asked direction on how to proceed.

Bill Pittenger, 8595 Meadow Hill, Frisco, Texas, spoke in opposition of any variance that would allow the sale of alcohol near a school.

Will Russell, 2428 Morrimac Drive, Frisco, Texas, spoke in opposition to the sale of alcohol near a school and in favor of a forum for citizens to speak on an exception to an ordinance.

After discussion, a 4 - 2 majority of the Council directed Staff to call a Public Hearing pertaining to alcoholic beverage variances on all uses. Councilmembers Bob Allen and David Prince were in opposition.

Mayor Maso moved back to Citizen Input at 8:15 p.m.

31. Public Hearing: Zoning Case Z09-0007. A request to rezone 2.1± acres on the northwest corner of Parkwood Boulevard and Eubanks Street from Agricultural to Industrial. Neighborhood #21. (Development Services/JE)

John Lettelleir addressed the Council regarding Zoning Case Z09-0007 to rezone 2.1± acres located on the northwest corner of Parkwood Boulevard and Eubanks Street from Agricultural to Industrial.

David Prince moved to open the public hearing. Bob Allen seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mr. Robert Vaughn, 17215 Stedman, Dallas, Texas, and owner of the property, asked Council to change the zoning back to commercial.

David Prince moved to close the public hearing. Pat Fallon seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

32. Consider and act upon adoption of an Ordinance to rezone one lot on 2.1± acres located on the northwest corner of Parkwood Boulevard and Eubanks Street from Agricultural to Industrial. Neighborhood #21. (Z09-0007) (Development Services/JE) 10-02-10

Bob Allen moved to approve adoption of an Ordinance to rezone one lot on 2.1± acres located on the northwest corner of Parkwood Boulevard and Eubanks Street from Agricultural to Industrial. Neighborhood #21. (Z09-0007) David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

33. Appointment of Members to the Citizen Advisory Committee for the Photographic Traffic Signal Enforcement System. (Red Light Committee) (CMO/NL)

Assistant City Manager Nell Lange addressed the Council regarding appointment of Members to the Citizen Advisory Committee for the Photographic Traffic Signal Enforcement System (Red Light Committee). Ms. Lange did not know if the existing members were willing to be reappointed considering the lack of interest and infrequency of the meetings. After discussion, Council asked Ms. Lange to bring the item back at the next meeting to allow them time to consider appointments and give her time to see if current members were still interested in serving.

34. Consider and act on adoption of an Ordinance repealing Ordinance Numbers 90-11-02 and 01-04-31; Establishing a Records Management Program; Designating a Records Management Officer; Providing for the ownership, responsibility, micrographics imagery, destruction, and disposition of City records; Adopting a Record Retention Schedule; Providing for a Penalty for the violation of this Ordinance; Providing for repealing, Savings, and severability clauses; and providing for the publication and an effective date of this ordinance. (CSO/JP) 10-02-11

Jenny Page presented an Ordinance repealing and amending the current Record Management Policy and asked for approval.

David Prince moved to approve adoption of an Ordinance repealing Ordinance Numbers 90-11-02 and 01-04-31; Establishing a Records Management Program; Designating a Records Management Officer; Providing for the ownership, responsibility, micrographics imagery, destruction, and disposition of City records; Adopting a Record Retention Schedule; Providing for a Penalty for the violation of this Ordinance; Providing for repealing, Savings, and severability clauses; and providing for the publication and an effective date of this ordinance. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

35. Consider and act upon proposed Charter Amendments recommended by the Charter Commission. (CSO/JP)

Henry Hill presented updated information on the proposed amendments. Councilmembers reviewed each proposition.

After discussion on Proposition 5, Scott Johnson moved to recess for a short break at 8:45 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Jeff Cheney moved to reconvene into Regular Session at 8: 58 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso continued with Proposition 6. After discussion, Council asked Staff to bring the items discussed in an Ordinance to call a Special Charter Amendment Election at the next meeting.

36. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice

of appeal must be submitted to Development Services. (Development Services)

No appeals were presented.

David Prince asked why the Starwood Phase 6 item was denied. John Lettelleir explained that the HOA had requested time to conduct a flood way study that was never completed. He asked the P & Z Commission to deny the case at this time and the HOA can resubmit when they are ready to continue.

Mr. Prince also asked if QT937 was zoned industrial. Mr. Lettelleir replied that is was.

Bob Allen moved to recess into Closed Session at 9:33 p.m. to complete unfinished business from the earlier session. Jeff Cheney seconded the motion. Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

David Prince moved to reconvene into Regular Session at 10:43 p.m. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session.

37. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.
 - Charter revisions
 - Board Appointments to the Citizen Advisory Committee for the Photographic Traffic Signal Enforcement System
38. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Maso gave the Council a satisfactory grade.

ADJOURN

Jeff Cheney moved to Adjourn at 10:45 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;
Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary